

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Markus HECKER

Andreas H. WAGNER

Serial No.: 10/526,430

Filed: March 1, 2005

For: PHARMACEUTICAL FORMULATION  
WITH NONSTEROIDAL  
ANTIPHLOGISTICS AND NUCLEIC  
ACIDS FOR TRANSFERRING NUCLEIC  
ACIDS INTO EUKARYOTIC CELLS

Group Art Unit: 1632

Examiner: MONTANARI, DAVID A

Atty. Dkt. No.: DEBE:052US

Confirmation No.: 9671

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that this correspondence is being  
electronically filed with the United States Patent and  
Trademark Office via EFS-Web on the date below:

April 12, 2007  
Date

Steven L. Highlander

**SECOND REQUEST FOR CORRECTED FILING RECEIPT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

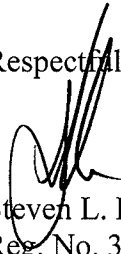
A corrected filing receipt is requested in view of the error that appears in the original.  
For the convenience of the Patent and Trademark Office, attached is a photocopy of the original  
receipt on which the error has been noted.

There is an error in the title of the Application. Please replace "PHARMACEUTICAL  
FORMULATION WITH NONSTEROIDAL ANTIPHLOGISTICS ACIDS FOR  
TRANSFERRING NUCLEIC ACIDS INTO EUKARYOTIC CELLS" with --

**PHARMACEUTICAL FORMULATION WITH NONSTEROIDAL ANTIPHLOGISTICS  
AND NUCLEIC ACIDS FOR TRANSFERRING NUCLEIC ACIDS INTO  
EUKARYOTIC CELLS--.** In support of this requested correction, Applicants attach a copy of  
the Preliminary Amendment filed November 21, 2006.

No fee is believed to be due in connection with the filing of this document. However,  
should any fee under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to  
this document, the Commissioner is authorized to deduct the appropriate fee from Fulbright &  
Jaworski Deposit Account No.: 50-1212/DEBE:052US.

Respectfully submitted,



Steven L. Highlander  
Reg. No. 37,642  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Date: April 12, 2007



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
10/526,430	02/13/2006	1632	515	DEBE:052US	8	1

32425  
 FULBRIGHT & JAWORSKI L.L.P.  
 600 CONGRESS AVE.  
 SUITE 2400  
 AUSTIN, TX 78701

CONFIRMATION NO. 9671

## CORRECTED FILING RECEIPT



\*OC000000023172136\*

Date Mailed: 03/29/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

## Applicant(s)

Markus Hecker, Göttingen, GERMANY;  
 Andreas H. Wagner, Göttingen, GERMANY;

**Power of Attorney:** The patent practitioners associated with Customer Number **32425**.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/DE03/02901 09/02/2003

## Foreign Applications

GERMANY 102 40 418.6 09/02/2002

**If Required, Foreign Filing License Granted:** 08/04/2006

**The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is** **US10/526,430**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**\*\* SMALL ENTITY \*\***

**Title** *Pharmaceutical formulation with nonsteroidal antiphlogistics and nucleic acids for transferring nucleic acids into eukaryotic cells*  
~~Pharmaceutical formulation with nonsteroidal antiphlogistics acids for transferring nucleic acids into eukaryotic cells~~

**Preliminary Class**

514

## PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

### LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

#### GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted

under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Markus HECKER

Andreas H. WAGNER

Serial No.: 10/526,430

Filed: March 1, 2005

For: PHARMACEUTICAL FORMULATION  
WITH NONSTEROIDAL  
ANTIPHLOGISTICS AND NUCLEIC  
ACIDS FOR TRANSFERRING NUCLEIC  
ACIDS INTO EUKARYOTIC CELLS

Group Art Unit: 1615

Examiner: Unknown

Atty. Dkt. No.: DEBE:052US

Confirmation No.: 9671

CERTIFICATE OF ELECTRONIC SUBMISSION

DATE OF SUBMISSION: November 21, 2006

**SECOND PRELIMINARY AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicants respectfully submit this Preliminary Amendment in the above-referenced case. Consideration of this case in view of the amendments made herein is respectfully requested.

**Amendments to the Specification** begin on page 2.

**Remarks** begin on page 3.

**AMENDMENTS TO THE SPECIFICATION:**

Please replace the title of the application with the following:

**~~FORMULATION FOR FUNNELLING NUCLEIC ACIDS INTO EUKARYOTIC  
CELLS~~**

**PHARMACEUTICAL FORMULATION WITH NONSTEROIDAL  
ANTIPHLOGISTICS AND NUCLEIC ACIDS FOR TRANSFERRING NUCLEIC ACIDS  
INTO EUKARYOTIC CELLS**

### REMARKS

The specification has been amended to correct the title of the application.

It is believed that no fee is due with this communication, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed document, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No. 50-1212/DEBE:052US.

The Examiner is invited to contact the undersigned attorney with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



Steven L. Highlander  
Reg. No. 37,642  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Date: November 21, 2006